SQP

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6336 OF 2003

Jalendranath Vishvanath More & Ors. ...Petitioners
Versus
The Pune Municipal Corporation & Ors. ...Respondents

.....

Mr.Yashwant G.Walimbe with Mr.Karan Thorat for Petitioners

Mr.R.M.Pethe for Respondents

.....

CORAM:- A.M.KHANWILKAR AND
K.K.TATED, JJ.
DATED:- FEBRUARY 18, 2013

P.C.

1. This petition is still pending for admission. The relief claimed in this petition is to direct the respondents to forthwith withdraw and/or cancel the impugned action of taking over possession of the land of petitioners admeasuring 47.39 sq.mtrs. from out of final plot No.258/A, situated at Village Bhamburda, corresponding to CTS No.760/A and to restore possession thereof to the petitioners. The petitioners have also asked for alternative reliefs challenging the possession receipt dated 30th August, 2002.

2. No doubt, this petition was filed in December, 2002 but the same has not been diligently prosecuted. In the meantime, as stated by the Counsel for the Corporation, the project has already been completed.

3. In the circumstances, it is not possible to entertain challenge to the action of the respondents of taking over possession of the plot in question. Hence, this petition is disposed of with liberty to the petitioners to pursue such other remedy as may be permissible in law.

4. Notably, the petitioners have not challenged the action of acquisition but is only content with challenging the action of possession which cannot take the matter any further for the petitioner.

(K.K.TATED, J.) **(A.M.KHANWILKAR, J.)**